

Furthermore, the second paragraph of the bill would weaken the power of the Commission to insure reliability of electric power service. Concern for this problem has been accentuated by the recent power outages. In addition, it would also weaken the Commission's ability to provide for an efficient, integrated power system. Accordingly, the Department of Justice recommends against enactment of the second paragraph of the proposed amended section 201(f).

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

WARREN CHRISTOPHER,
Deputy Attorney General.

Mr. MACDONALD. Mr. Rogers, who is a member of our full committee, will be our first witness this morning.

We are delighted to hear from Mr. Rogers, a very distinguished and fine-looking member of this committee, longtime friend, and a great addition to Congress and to the Committee on Interstate and Foreign Commerce.

STATEMENT OF HON. PAUL G. ROGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. ROGERS. Thank you very much, Mr. Chairman, and members of the committee. I appreciate very much the opportunity to appear in behalf of the bill which I have introduced and other members of Congress have joined in introducing like bills.

The real purpose in introducing this bill is simply to express more clearly what I feel was the legislative intent of Congress when the original Federal Power Act was passed in 1935. Section 201(b) of the Power Act states that the Federal Power Commission "shall not have jurisdiction over facilities used only for the transmission of electric energy in intrastate commerce," within the State, "or over facilities for the transmission of electric energy consumed wholly by the transmitter."

The language is clear and men like Sam Rayburn and Samuel B. Pettengill of Indiana, who were instrumental in enacting the original measure, knew that Congress did not intend just to give plenary power to the Federal Power Commission to regulate any and all utilities regardless of their sphere of activity.

These men were conscious of the concern of the Congress that too much jurisdiction could be given to a Federal agency.

Now, basically as to electric power, the original act has not been changed by the Congress and yet the Federal Power Commission has been steadily trying to move toward plenary jurisdiction through decisions and opinions based principally on the commingling theory.

It is not my position or intention to attempt to prove that a utility which claims to be adversely affected by a Federal Power Commission rule does or does not come within the jurisdiction of the Federal Power Commission.

It is not our role to judge whether a utility which generates, transmits, or sells energy is or is not subject to the jurisdiction of the Federal Power Commission. This would have to be proved by the individual facts of the case.

It is, however, the definite intention to express more clearly what was obviously the intent of the Congress 32 years ago and is the intent today that Rural Electrification Administration Cooperatives and